



Rep. Donald L. Moffitt

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LRB098 17949 JLK 58418 a

1 AMENDMENT TO HOUSE BILL 5864

2 AMENDMENT NO. _____. Amend House Bill 5864 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Safety Agency Network Act
5 is amended by changing Sections 15, 20, 30, and 35 as follows:

6 (50 ILCS 752/15)

7 Sec. 15. Partnership established. A not-for-profit
8 corporation to be known as "Illinois Public Safety Agency
9 Network" shall be created. IPSAN shall be incorporated under
10 the General Not for Profit Corporation Act of 1986 and shall be
11 registered, incorporated, organized, and operated in
12 compliance with the laws of this State. IPSAN shall not be a
13 State agency but shall have statewide jurisdiction to fulfill
14 the findings and purpose declared in Section 10. The General
15 Assembly determines, however, that public policy dictates that
16 IPSAN operate in the most open and accessible manner consistent

1 with its public purpose. To this end, the General Assembly
2 specifically declares that IPSAN and its Board and Advisory
3 Committee shall adopt and adhere to the provisions of the
4 General Not for Profit Corporation Act of 1986 and related
5 regulations promulgated by the Secretary of State, the Open
6 Meetings Act, the State Records Act, and the Freedom of
7 Information Act. IPSAN shall establish one or more corporate
8 offices as determined by the Board.

9 (Source: P.A. 94-896, eff. 7-1-06.)

10 (50 ILCS 752/20)

11 Sec. 20. Board of directors. IPSAN shall be governed by a
12 board of directors. The IPSAN Board shall consist of 6 voting
13 ~~14~~ members. Three members ~~Nine of the members shall be voting~~
14 ~~members, 3 of whom~~ shall be appointed by the Illinois Sheriffs'
15 Association, and 3 members ~~of whom~~ shall be appointed by the
16 Illinois Association of Chiefs of Police. To the extent
17 practical, voting members should be active or retired chiefs of
18 police or sheriffs, should represent Statewide interests of the
19 Associations that appointed them, and should attend board
20 meetings, ~~and 3 of whom shall be appointed by the Illinois Fire~~
21 ~~Chiefs Association, all of those Associations consisting of~~
22 ~~representatives of criminal justice agencies that are the users~~
23 ~~of criminal justice information systems developed and operated~~
24 ~~for them by the Authority before the effective date of this Act~~
25 ~~or by the IPSAN on or after the effective date of this Act.~~

1 ~~Voting members shall be appointed in such a fashion as to~~
2 ~~guarantee the representation of all 3 systems (ALERTS, ALECS,~~
3 ~~and PIMS).~~ The Director of Corrections, the Director of the
4 Illinois Emergency Management Agency, the Director of the
5 Illinois State Police, the Sheriff of Cook County, and the
6 Superintendent of the Chicago Police Department, or the
7 designee of each, may be invited by the board of directors to
8 serve as ~~shall be~~ non-voting ex officio members. The Executive
9 Director appointed under Section 30 of this Act shall serve as
10 a non-voting ex-officio member of the board.

11 Members shall serve terms of one year at the pleasure of
12 the Association making the appointment, but shall be eligible
13 for re-appointment. ~~Of the initial members appointed, 6 members~~
14 ~~shall serve 4 year terms and 3 members shall serve 2 year~~
15 ~~terms, as designated by the respective Associations.~~
16 ~~Thereafter, members appointed shall serve 4 year terms.~~ A
17 vacancy among members appointed shall be filled in the same
18 manner as the original ~~by~~ appointment for the remainder of the
19 vacated term.

20 Members of the Board shall receive no compensation but
21 shall be reimbursed for reasonable expenses incurred in the
22 performance of their duties. However, a board member who is a
23 retired chief of police or retired sheriff may be entitled to
24 reimbursement for services provided to or on behalf of IPSAN as
25 may be appropriate.

26 The Board shall designate a temporary president ~~chair~~ of

1 the Board from among the members, who shall serve until a
2 permanent president chair is elected by the Board of Directors.
3 The Board shall meet at the call of the president, or as
4 otherwise provided in the bylaws, rules, and policies of the
5 board chair.

6 IPSAN shall comply with reporting requirements under the
7 General Not for Profit Corporation Act of 1986 and related
8 regulations promulgated by the Secretary of State. The
9 Executive Director appointed under Section 30 of this Act shall
10 have the authority to sign and file all required reports.

11 ~~Not less than 90 days after a majority of the members of~~
12 ~~the Board of Directors of the IPSAN are appointed, the Board~~
13 ~~shall develop a policy adopted by resolution of the Board~~
14 ~~stating the Board's plan for the use of services provided by~~
15 ~~businesses owned by minorities, females, and persons with~~
16 ~~disabilities, as defined under the Business Enterprise for~~
17 ~~Minorities, Females, and Persons with Disabilities Act. The~~
18 ~~Board shall provide a copy of this resolution to the Governor~~
19 ~~and the General Assembly upon its adoption.~~

20 ~~On December 31 of each year, the Board shall report to the~~
21 ~~General Assembly and the Governor regarding the use of services~~
22 ~~provided by businesses owned by minorities, females, and~~
23 ~~persons with disabilities, as defined under the Business~~
24 ~~Enterprise for Minorities, Females, and Persons with~~
25 ~~Disabilities Act.~~

26 (Source: P.A. 94-896, eff. 7-1-06.)

1 (50 ILCS 752/30)

2 Sec. 30. Powers of the Board of Directors. The Board of
3 Directors shall have the power to:

4 (1) Secure funding for programs and activities of IPSAN
5 from federal, State, local, and private sources and from
6 fees charged for services and published materials;
7 solicit, receive, hold, invest, and administer any grant.
8 Such grants shall include federal and State grants for
9 enhancements to public safety communications and
10 management systems, and the promotion of interoperability
11 between all public safety disciplines throughout the
12 State; administer any payment, or gift of funds or
13 property; execute a note or notes and to execute a mortgage
14 or trust deed to secure the payment of the same with real
15 estate, or some part thereof, or personal property owned by
16 the corporation. Proceeds of the note or notes may be used
17 in the acquisition of personal property or of real estate
18 or in the erection of improvements on such real estate; and
19 make expenditures consistent with the powers granted to it.

20 (2) Make and enter into contracts, agreements, and
21 other instruments necessary or convenient for the exercise
22 of its powers and to facilitate the use by the members of
23 IPSAN of other criminal justice information systems and
24 networks.

25 (2.5) Purchase or lease either real or personal

1 property to be used for corporate purposes. Such purchases
2 or leases shall be made through contracts that provide for
3 the consideration for any such purchase or lease to be paid
4 through installments to be made at stated intervals during
5 a certain period of time. In no case shall such contracts
6 provide for the consideration to be paid during a period of
7 time in excess of 25 years.

8 (3) Sue and be sued, and appear and defend in all
9 actions and proceedings, in its corporate name to the same
10 extent as a natural person.

11 (4) Adopt, use, and alter a common corporate seal for
12 IPSAN.

13 (5) Elect, employ, or appoint officers and agents as
14 its affairs require and allow them reasonable
15 compensation.

16 (6) Adopt, amend, and repeal bylaws and policies, not
17 inconsistent with the powers granted to it or the articles
18 of incorporation, for the administration of the affairs of
19 IPSAN and the exercise of its corporate powers.

20 (7) Acquire, enjoy, use, and dispose of patents,
21 copyrights, and trademarks and any licenses, radio
22 frequencies, royalties, and other rights or interests
23 thereunder or therein.

24 (8) Do all acts and things necessary or convenient to
25 carry out the powers granted to it.

26 (9) Appoint an Executive Director who shall serve as

1 the Chief Operations Officer of IPSAN and who shall direct
2 and supervise the administrative affairs and activities of
3 the Board and of IPSAN, in accordance with this Act and the
4 Board's bylaws, rules, and policies.

5 (Source: P.A. 94-896, eff. 7-1-06.)

6 (50 ILCS 752/35)

7 Sec. 35. Finances; audits; annual report.

8 (a) (Blank). ~~The current balance of the Criminal Justice~~
9 ~~Information Systems Trust Fund upon the effective date of this~~
10 ~~Act and all future moneys deposited into that Fund shall be~~
11 ~~promptly transferred to the IPSAN operating fund by the State~~
12 ~~Treasurer notwithstanding current obligations as determined by~~
13 ~~the IPSAN Board in cooperation with the Authority.~~

14 (b) IPSAN may accept funds, grants, gifts, and services
15 from the government of the United States or its agencies, from
16 this State or its departments, agencies, or instrumentalities,
17 from any other governmental unit, and from private and civic
18 sources for the purpose of funding any projects authorized by
19 this Act.

20 (c) (Blank). ~~Services of personnel, use of equipment and~~
21 ~~office space, and other necessary services may be accepted from~~
22 ~~members of the Board as part of IPSAN's financial support.~~

23 (d) The Board shall arrange for the annual financial audit
24 of IPSAN by one or more independent certified public
25 accountants in accordance with generally accepted accounting

1 principles. ~~The annual audit results shall be included in the~~
2 ~~annual report required under subsection (c) of this Section.~~

3 (e) IPSAN shall report annually on its activities and
4 finances to the Governor and the members of the General
5 Assembly.

6 (f) IPSAN shall comply with reporting requirements as
7 prescribed in the General Not for Profit Corporation Act of
8 1986 and related regulations promulgated by the Secretary of
9 State.

10 (Source: P.A. 94-896, eff. 7-1-06.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."